

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

P.S. - T & A Dept. – Kadapa Dist. – Allegations of irregular appointment of Sri V. Vinod Kumar as Shroff on compassionate grounds –Disciplinary action initiated against Sri G. Narasimhulu, S.T.O., Rly. Kodur, Kadapa Dist. – Punishment of reduction of five increments with cumulative effect with effect on pension awarded – Appeal petition – Allowed – Punishment modified to that of withholding of 3 annual grade increments without cumulative effect – Orders- Issued.

FINANCE (Admn.III) DEPARTMENT

G.O. Rt. No.3958

Dt.01 -10-2008

Read the following:

1. Proceedings No. KII(5)/20570/2003-1, dt. 20-2-2008 of the D.T.A., A.P., Hyderabad.
2. Appeal petition of Sri G. Narasimhulu, dt. 14-4-2008
3. Lr. No.KII(5)/20570/2003, dt. 21-6-2008 from the D.T.A., A.P., Hyderabad.

O R D E R:

In a case of irregular compassionate appointment of Sri V.Vinod Kumar, Shroff at Sub Treasury, Jammalamadugu of Kadapa District, disciplinary action was initiated on the three Treasury Personnel responsible in this case.. The D.T.A. has initiated disciplinary action against Sri G. Narasimhulu, STO, District Treasury Unit Kadapa by framing the following charges vide Charge Memo. No. KII (5)/20570/2003 dt.2-8-2004.

Charge I:- Sri G. Narsimulu, while working as Sub Treasury Officer at District Treasury, Cuddapah had processed an irregular office note on 15-3-2003 and issued draft proceedings on 17-3-2003 towards compassionate appointment of Sri V.Vinod Kumar, S/o Late Sri V.Moses as Shroff at Sub Treasury, Jammalamadugu, Kadapa District though as on the date of death of the employee i.e. on 8-6-2002 the spouse of the deceased employee Smt. D.Rajamma was working as M.P.H.S.(F), P.H.C., Chapadu of Kadapa District and subsequently retired voluntarily on 31-12-2002 and both husband and wife are employees and the case do not come under the purview of died while in harness. Thus the appointment is irregular and thus he exhibited lack of integrity and devotion to duty and conduct unbecoming of Government servant and thereby contravened rule 3 (1) (2) & (5) of A.P. Civil Services (Conduct) Rules, 1964.

Charge II:- Sri G.Narasimhulu, while he was working as S.T.O., at District Treasury, Kadapa has processed on office note towards compassionate appointment of Sri V.Vinod Kumar, as Shroff at Sub Treasury, Jammalamadugu and while doing so, he has not followed the Rule of Reservation and Roaster Register as per Government order and not followed whether there being no other earning member in the family. Thus he has not followed the provisions mentioned in the G.O.Ms.No.687, dated 3-10-77 of G.A.D. and irregularly issued the appointment orders

Charge III: That Sri G.Narasimhulu, while he was working as STO, at District Treasury, Kadapa has not mentioned specific direction in the appointment order for furnishing of Security Bond to the post of Shroff as required under Rules.

2 Not satisfied with the written statement of defence, Govt. have ordered for common enquiry in G.O. Rt. No.1957, Fin. (Admn.I) Dept., dt. 16-5-2006 and after examining the report Government have allowed an opportunity to Sri G. Narasimhulu, S.T.O., to submit his explanation on the findings of the inquiry officer.

3. After examination of the explanation of the charged officer the disciplinary authority i.e., the Director of Treasuries and Accounts awarded **the punishment of ‘reduction of five (5) increments with cumulative effect with effect on pension’ to Sri G.Narasimhulu**, the then Sub Treasury Officer District Treasury, Kadapa presently working as Sub Treasury Officer, Sub Treasury, Railway Kodur, Kadapa District.

4. Aggrieved by the above punishment, he submitted appeal petition to Government wherein he has stated with regard to Charge-I framed against him that he issued appointment order falsely is an after thought leveled against him after 1 ½ years. He stated that one Sri Lakshumaiah, an outsider and non-official who bore grudge against him on sub-caste basis filed a petition against him by stating that the appointment is irregular. The delinquency alleged against him is not detected by inspecting officer or Head of Department or appointing authority, but by one pseudonymous petitioner, after 1 ½ years of compassionate appointment. This is nothing but a vindictive action. The assessment of his explanation in the Enquiry report under Rule 20 is contrary to the E.O.'s own statements. The I.O. at one point stated that the "lapse may not be taken seriously" but finally concluded that "charge proved". This is contrary to instructions issued by Government in Cir. Memo. No. 56183/Ser.C/99, dt. 15-10-99. The enquiry officer has not assessed completely his explanation, not given her own logical and reasoned analysis and assessment of evidence of each charge. For **Charge-II**: he stated that, the orders issued by the Government, in G.O.Ms.No.299, G.A. (Ser.A) Dept., dt. 3-4-1979 to the effect that the he appointment under compassionate scheme should be treated as distinct category in itself, with no relation to roaster, was not assessed by the enquiry officer, or mentioned in her enquiry report, but still she held the charge as proved. This is a miscarriage of Justice." **With regard to Charge-III**, he has stated that his explanation that S.T.O. obtained security bond, was not mentioned in her enquiry report. Her conclusion that charges held proved were not properly assessed, analysed and not given logical conclusion. Consequently her report formed the basis for harsh punishment. The enquiry officer has not examined the candidate i.e., the deceased employee's son, and also not examined similar appointment on compassionate grounds i.e., Sri M. Srinivasa Murthy, and not enquired original petitioner, who is the cause of action for all this disciplinary proceedings. The enquiry officer failed to examine his explanations, and her conclusions are not based on facts nor on documentary evidence. He further stated that he constrained to state the enquiry officer has preconceived and prejudged the issue and concluded that charges held proved. The enquiry is one sided and not properly conducted. Orally recorded statements were not supplied to the charged officer which tantamounts to deny opportunity to him. The order inflicting punishment is not a speaking order, the punishing authority was already in receipt of compassionate appointment order way back on 17-3-2003, but disciplinary proceedings were initiated after 1 ½ years after the death of Deputy Director, Dist. Treasury Office, who is the competent authority who appointed Sri Vinod Kumar s/o. Shri (late) Moses under deceased employee's quota.. This abnormal delay had vitiated, the proceedings of the punishing authority who had not taken into consideration similar appointment of Sri M. Srinivasa Murthy. He is innocent since he neither put up a note nor a competent authority for such appointment.. There were two superior officers A.T.O. and Deputy Director, Dist. Treasury who appointed the person on compassionate grounds who was subsequently removed from service after 1 ½ years. The persons who appointed died and the A.T.O., retired. He has become a scapegoat now and punishment of reduction of 5 increments affecting pension is shockingly disproportionate to the nature of an offence. He prayed that the order of penalty may kindly be set aside as he is due to retire within 15 months. He also stated that he had already suffered the impact of punishment by way of denial of his due promotion as A.T.O. in 2006. It is also stated that the punishing authority had not kept in view the instructions issued by Government in U.O. Note No. 28552/Ser.C/97, dt. 7-5-1997 and awarded penalty mercilessly and requested the Government to set aside the order of reduction of pay by 5 stages though he is going to retire on 30-6-2009.

5. Government have carefully examined the matter. It is noticed that the wife of the deceased employee had taken voluntary retirement from her employer on 31-12-2002. The Charged Officer processed the file for compassionate appointment of his son on 15-3-2003 i.e., by that date there were no earning member in the family. Regarding non-mentioning of the specific direction in the appointment order for furnishing of Surety Bond to the post of Shroff as required under Rules, it is noticed that the said order was not routed through Shri G. Narasimhulu. It is also observed that when the appointment is irregular, the question of Charge No.III does not arise, as it merges with Charge-I. Hence Government, have taken a lenient view and decided to modify the punishment of 'reduction of 5 increments with cumulative effect with effect on pension', which is on high side, to that of withholding of 3 annual grade increments without cumulative effect.

6. Accordingly, Government hereby order that the punishment of 'reduction of 5 increments with cumulative effect with effect on pension' imposed by the D.T.A., Hyderabad vide reference 1st cited on Sri G. Narasimhulu, S.T.O., Rly. Kodur, Kadapa Dist. be modified to that of withholding of 3 annual grade increments without cumulative effect.

7. The Director of Treasuries & Accounts, Hyderabad is requested to take further action in the matter accordingly.

8. The G.O. is available on Internet and can be accessed at the address <http://www.goir.ap.gov.in>.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

SAMEER SHARMA
SECRETARY TO GOVERNMENT (FP)

To
Sri M. Narasimhulu, S.T.O.
(through DTA, A.P., Hyd.
Copy to: The D.T.A., A.P., Hyd.

// Forwarded :: By Order //

SECTION OFFICER